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Hare, 204; *Caldwell v. Caldwell*, 7 Bush (Ky.) 515. See 1 JARMAN, WILLS, 6 ed., 910. The authorities thus violate the purpose of the Wills Act and Statute of Frauds by opening the door to perjured testimony. In Massachusetts, however, if the existence of a trust appears on the face of the will the terms of the trust must appear thereon. *Olliffe v. Wells*, 130 Mass. 221; *Wilcox v. Attorney-General*, 207 Mass. 198, 93 N. E. 599. This condition was not complied with in the principal case, and so the property resulted to the heirs at law and next of kin.

BOOK REVIEWS

AMERICAN CITY PROGRESS AND THE LAW. By Howard Lee McBain, Dorman B. Eaton Professor of Municipal Science and Administration in Columbia University. The Hewitt Lectures for 1917. New York: Columbia University Press. 1918. pp. viii, 269.

An interesting and suggestive book for a lawyer, because it is the result of long thought and investigation of problems of municipal government. The city is doing so many things now-a-days that it is pretty hard to convince oneself that it should not do everything worth doing. But then, the same thing might be said about the state and the nation; the college and the public-school system; the rich man and the endowed charity. Our appreciation of all that may be done to make life fuller, and happier, and better, has come upon us so suddenly that we have not yet had time to study our means of action, to co-ordinate, to discriminate, to set the bounds of action for the various agencies to which we look for improvement.

As the need is more insistent in our cities, it is natural to look to our city governments for first aid. Is the city ugly? Let the city council, with its high appreciation of æsthetics, beautify it. Is the housing inadequate? Let the public treasury build model tenements. Do the grocers overcharge? Let the Committee on Water Supply take over their business. Do we need a big theatre, that won't pay, in the business section? Let the city exercise its power of eminent domain, take a site, and subsidize a picture show; the public needs amusement. Is the Board of Trade slow about getting in factories and big business? Let the Mayor advertise factory sites, bargain for inducements, and open an employment office.

This is human nature. We all like to hand these problems over to the city; and our cities solve them surprisingly well, considering. But as a result difficult legal questions of the power to deal with them set a new generation to revolving problems of strict and of liberal construction, and again the solution becomes a question of temperament with courts and lawyers. The progressives are again liberal and the conservatives, narrow constructionists. And again the progressives are bound to succeed.

Professor McBain is a progressive. His creed appears to be that the burden of proof is upon those who deny a city's legal power to do a useful thing. In these lectures he discusses in successive chapters the new occasions for municipal activity: Home Rule, Smoke and Billboards, City Planning, Municipal Ownership, Regulation of Prices, Public Recreation, Promotion of Commerce and Industry. His knowledge of the problem is adequate, his collection of authorities is full, his arguments are interesting; a student of municipal law finds occasion for gratitude in every page. Though narrow in scope and simple in treatment, the book is a contribution to legal as well as to governmental science.

If Professor McBain's point of view had been that of a lawyer, he might have

made his case a little stronger. The expansion of municipal powers is perhaps as likely to come through the doctrine of common-law powers inherent in corporate personality as through a fictitiously broad interpretation of a written instrument. The currency which Dillon gave to Shaw's early dictum, that a municipal corporation can exercise only express powers, and those "necessarily or fairly implied in or incident to" express powers is responsible for much bad reasoning and some bad law; only by recognizing that a city, in its capacity as legal person, can do what any legal person may do except when restrained by law, can we get a clue to the cases, and lay down a principle consistent with modern requirements.

J. H. BEALE.

THE REPORTS OF THE HAGUE CONFERENCES OF 1899 AND 1907, edited with an introduction by James Brown Scott. Carnegie Endowment for International Peace, Division of International Law: Oxford, at the Clarendon Press, London. 1917.

The various translations and reprints which the Carnegie Endowment for International Peace has been publishing during the last few years have proved very convenient to students of international law. None will be more so than the present work. Much of the most valuable work of the First and Second Hague Peace Conferences did not appear in the finished conventions. The proposals submitted by different states and the discussion upon them, have heretofore been concealed in the ponderous, unindexed, French tomes, known for the 1899 Conference as the *Procès Verbaux*, and for the 1907 Conference as *Actes et Documents*. The present work contains in a single volume translations of the more valuable of this material, arranged and indexed both by persons and by topics, so as to be readily available. Footnote references give the position of the material in the official publications mentioned above.

The editor states in the introduction that the official English translations of the texts have not been followed where a more literal translation seemed possible, and where an inconsistency in the translation of an identical French phraseology in the conventions of the First and Second Conferences existed.

The volume includes the opening and closing addresses, the final act and M. Renault's report upon it, for both conferences. Each convention is given in its final form in heavy type, with tables of signatures and ratifications, followed by the report of the commission which presented the convention to the full conferences, and which according to the European custom is regarded as an official commentary. The draft proposals on the topic, submitted by the various national delegates, are appended, and more important statements contained in the discussions either in commission or in plenary session have been selected for insertion.

In the discussion of many topics, especially those connected with naval warfare, the diversity of opinion is striking. The suggestions relating to automatic mines are especially interesting in this connection, and also as relating to a subject which will require further discussion in future conferences.

It is interesting to note that Germany proposed in 1907 that a belligerent power be responsible for all acts of its armed forces in violation of the laws and customs of war on land (p. 528), a provision inserted in the convention on this topic (art. 3), and that the same country thought consideration of the subject of obligatory arbitration "premature" (p. 388). It is also interesting to read the declaration of Great Britain in 1907 favoring the abandonment of the principle of contraband in maritime warfare (p. 622).

The merit of such a work as this is to be judged by its accuracy of translation, its adequacy and compactness in selection and exclusion of material,